



Statement of Rep. Anna G. Eshoo on H.R.4167, the *National Uniformity for Food Act*

March 2, 2006

Ms. ESHOO. Madam Chairman, I thank the gentleman from California (Mr. Waxman), my distinguished colleague, for not only his eloquence on this bill but all the work that he has done on public health issues and health in general for the people of our country.

I rise to oppose this bill, and I do because I believe it is an assault on public health and consumer protection. It is no wonder there has never been a hearing on this bill in the last 8 years.

So this is not about theater. This is not, as the gentleman who introduced the bill said a few moments ago, about theater and deception. This is a very, very serious debate, and it is a debate that should have been taking place in a public hearing, in a hearing of our committee; and it has not. I think that that in and of itself is an assault on the American people. It is disrespectful.

The bill will preempt any State or local food safety law that is not identical to a Federal law, and we do not have those Federal laws. So it will absolutely leave a void. Is the majority saying here that they are set to put into place, if this bill passes, God forbid, that they are going to place on the Federal books, 200 Federal laws in a nanosecond? I do not think so.

Under this bill, the FDA will have to approve any food safety law that is at variance with Federal policy, and according to the CBO, the bill will preempt an estimated 200 State and local laws dealing with food safety. Absolutely, preempt them, right away, 200 State and local laws.

It is going to cost the FDA \$100 million over the next 5 years to process petitions from States seeking to retain these laws. There is simply no credible public health justification for the extraordinary steps that this bill takes.

The attorney general of California has weighed in against the bill. I insert this memorandum to the California delegation as part of the RECORD at this point.

Madam Chairman, the State Departments of Agriculture, as well as State and food safety officials from all 50 States oppose the bill because they believe it hampers their ability to protect the public from hazards in the food supply, even potential bioterrorist attacks, an issue that really should be debated and discussed and would have been if we had ever had a hearing.

These State and local officials are responsible for conducting 80 percent of the food safety inspections in the country, and yet today we are diminishing their ability to carry out their important role.

The National Association of State Departments of Agriculture representing every State in the Union has come out against the bill.

The Association of Food and Drug Officials wrote that ``The bill will preempt States and local food safety and defense programs from performing their functions to protect citizens."

Equally disturbing, the bill will scale back State laws designed to protect pregnant women and children from potential hazards in foods. Why would we ever take such a step?

For all of these reasons and many more, I rise in opposition to the bill. It is bad public policy and it should be rejected by the House